



14 JAN 2003

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In re Application of	:	
CONAWAY, Joan, A., et al.	:	
U.S. Application No.: 09/914,324	:	DECISION ON PETITION TO
PCT No.: PCT/US00/04838	:	WITHDRAW HOLDING OF
International Filing Date: 25 February 2000	:	ABANDONMENT
Priority Date: 26 February 1999	:	
Attorney's Docket No.: 021044-004600	:	
For: NOVEL COMPONENT OF VON-HIPPEL-	:	
LINDAU TUMOR SUPPRESSOR COMPLEX	:	
AND SCF UBIQUITIN LIGASE	:	

This decision is issued in response to the "Petition Under 37 CFR 1.181(a) To Withdraw Holding Of Abandonment" filed on 20 August 2002 and resubmitted on 26 December 2002. No petition fee is required.

### **BACKGROUND**

On 25 February 2000, applicants filed international application PCT/US00/04838 which claimed a priority date of 26 February 1999 and which designated the United States.

A Demand was filed with the International Preliminary Examining Authority electing the United States prior to the expiration of 19 months from the priority date. As a result, the deadline for payment of the basic national fee was 30 months from the priority date, i.e., 26 August 2001.

On 22 August 2001, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, among other materials, payment of the basic national fee and an executed declaration.

On 30 October 2001, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements Under 35 U.S.C. 371 indicating that the disclosure of the nucleotide and/or amino acid sequence in the present application was deficient.

On 23 January 2002, applicants filed a "Response To Notification Of Missing Requirements." The Response referred the USPTO to the computer readable form (CRF) of the sequence filed with the international application, and it noted that the paper copy of the sequence listing was contained in the U.S. application.

On 10 June 2002, the DO/EO/US mailed a Notification Of Abandonment indicating that the application was abandoned based on applicants' purported failure to respond to the Notification Of Missing Requirements.

On 20 August 2002, applicants filed the petition considered herein. The petition argues that the abandonment should be withdrawn based on applicants timely response to the Notification Of Missing Requirements. In the alternative, the petition seeks revival of the application under 37 CFR 1.137(b). The petition was accompanied by a substitute paper copy of the sequence and a CRF of the listing.

On 26 December 2002, applicants resubmitted the petition and accompanying materials.

### **DISCUSSION**

As noted above, the application file contains the "Response To Notification Of Missing Requirements" filed by applicants on 23 January 2002. The Response contains a certification under 37 CFR 1.8 dated 21 December 2001, making it a timely response to the Notification Of Missing Requirements mailed on 30 October 2001. Accordingly, the Notification Of Abandonment, based as it was on applicants' purported failure to file a timely response to the Notification Of Missing Requirements is appropriately vacated.

The Response filed on 23 January 2002 Response states that a CRF of the sequence listing herein was filed with the USPTO in the international application, and it requests that this CRF of the sequence be used in the present national stage application. This is acceptable under 37 CFR 1.1821(e). Accordingly, applicants' 23 January 2002 submission is an acceptable response to the Notification Of Missing Requirements.

### **CONCLUSION**

Applicants' petition is **GRANTED**.

The Notification Of Abandonment mailed 10 June 2002 is hereby **WITHDRAWN**

This application is being forwarded to the Scientific And Technical Information Center (STIC) to match the CRF filed in the international application with the present application.

This application will then be returned to the National Stage Processing Branch of the Office Of PCT Operations for further processing. The 35 U.S.C. 371 date is 23 January 2002.



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